

## **LIMITED ENGLISH PROFICIENT STUDENTS: Guidelines for Participation in the Standards of Learning Assessments**

This document provides information about the participation of limited English proficient (LEP) students in the Standards of Learning (SOL) assessments. Included in this document are 1) guidelines for determining in what ways LEP students will participate in the SOL assessments, 2) procedures for providing testing accommodations, 3) procedures for exempting LEP students from participation in the SOL assessments, and 4) documentation requirements.

### **I. Who Should Be Tested**

It is expected that all students who are in grades 3, 5, 8, and specific high school courses in the Commonwealth of Virginia will participate in the SOL assessments. This expectation includes LEP students at these grade levels/courses unless participation in the field test is clearly not in the best interest of the student. LEP students in grades 3, 5, or 8 may exercise a one time exemption from SOL assessments at any one of these grade levels. Determination as to how LEP students will participate in the SOL assessments should be made according to the guidelines found in **Section V, Procedures for Determining LEP Students' Participation in the SOL Assessments**.

### **II. Purpose of the SOL Assessments**

The purpose of the SOL assessments is to measure the achievement of students on the Standards of Learning, adopted by the Board of Education in 1995, in the areas of English, mathematics, history/social science, and science at grades 3, 5, 8, and selected high school courses, and technology at grades 5 and 8.

### **III. Definition of LEP**

Public Law 103-382 (Improving America's Schools Act, Title VII, Part E, Section 7501 (8)) defines an LEP student as one who:

- A.
  - i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or
  - ii) is a Native American or Alaska Native who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or
  - iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and
- B. has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

### **IV. Reason for Inclusion of LEP Students in the SOL Assessments**

The U.S. Department of Education, Office for Civil Rights has outlined the procedures listed below for school districts to comply with the U. S. Civil Rights Act of 1964, Title VI and other supreme and federal court case decisions regarding the rights of limited English proficient students:

“The following procedures should be used by school districts to ensure that their programs are serving limited English proficient (LEP) students effectively:

- identifying students who need assistance;
- developing a program which, in the view of professional educators, has a reasonable chance for success;
- ensuring that the needed staff, curricular materials, and facilities are in place and used properly; developing appropriate evaluative standards for measuring the progress of students, including program exit criteria; and continued program assessment and modification where needed.”

-The Provision of an Equal Education Opportunity to Limited English Proficient Students, U. S. Department of Education, Office for Civil Rights, 1992.

Reinforcing the legal obligations to LEP students, Administrative Superintendent’s Memorandum No. 65, September 26, 1997, states:

Legal precedents clearly call for local school divisions to accommodate students whose native language is other than English in a manner whereby they can profit from educational opportunities afforded them. Programs for students identified as limited English proficient (LEP) should include a means of identification, assessment and placement in an appropriate education program.

Questions about the obligations of school divisions to LEP students should be directed to the Foreign Language/ESL Specialist, Office of Secondary Education, Virginia Department of Education at (804) 225-2593.

The importance of LEP students participating in the SOL assessments is reinforced by the fact that, beginning the with Class of 2004, students desiring a standard or advanced studies diploma will need to earn a prescribed number of credits as well as specified units of verified credit. Students may earn verified credit “based on a minimum of 140 clock hours of instruction and the achievement by the student of a passing score on the end-of-course Standards of Learning test for that course.” (8 VAC 20-131-110, B)

## **V. Procedures for Determining LEP Students’ Participation in the SOL Assessments**

It is recommended that a committee which includes 1) a person responsible for the education of LEP students in the school or school division, 2) the student’s content teacher(s), and 3) an administrator or designee (e.g., guidance counselor or reading specialist) be formed to determine how the student will participate in the SOL assessments and which, if any, accommodations are required. The student’s parent or guardian should also be invited to serve on the committee, if possible. For each student the committee should specify the student’s participation in each of the SOL assessments:

- with no accommodations
- with accommodations which maintain standard conditions (listing specific accommodations)
- with accommodations which are permissible but do not maintain standard conditions (listing specific accommodations)
- exemption from testing with an explanation for the exemption

Decisions about how an LEP student will be tested on the SOL assessments should be made for each individual content area to be assessed. Consideration should be given to the student’s level of English proficiency, the level of previous schooling in the home language, and the amount of schooling the student has received in the United States. Questions about how to determine the

English proficiency of LEP students should be directed to the Foreign Language/ESL Specialist, Office of Secondary Education, Virginia Department of Education at (804) 225-2593 .

In determining how the student is to be tested on each test the committee should consider the following questions:

- 1) Has the student already used the one-time exemption from SOL assessments in an earlier grade level? If yes, go to question 3. If no, should the student be exempted from this test, recognizing that this will be the student's one-time exemption?
- 2) Is the student's level of proficiency in English sufficient for the student to take the test? Information on the student's English language proficiency may be derived from school division assessments designed to determine English language proficiency, reading inventories, writing samples, teacher observations, and teacher-made tests.
  - If "YES", the committee should consider question 2 in determining the student's need for testing accommodations.
  - If "NO", the student should not be tested on this test. See **Section VII, Exempting LEP Students from the SOL Assessments**, for a description of the procedures to be followed in exempting LEP students from the SOL assessments .
- 3) Does the student typically receive accommodations during instruction or during classroom assessments in the content area covered by the test?
  - If "YES", the committee should review **Section VI, Selection of Testing Accommodations for LEP Students** to determine the LEP student's need for testing accommodations.
  - If "NO", the student should take the test without any accommodations.

If an LEP student is also identified as having a disability under the Individuals with Disabilities Act (IDEA), P.L. 105-17, or is identified as an otherwise "qualified handicapped" student under Section 504 of the Rehabilitation Act of 1973, then decisions about the student's participation in the SOL assessments must be made by the IEP or 504 committee and be documented in the student's IEP or management tool. See the document entitled Students with Disabilities: Guidelines for Testing in the Standards of Learning Assessments for more information.

## **VI. Selection of Testing Accommodations for LEP Students**

Accommodations for the SOL assessments should be selected from those the LEP student uses routinely in classroom instruction and assessment. **The purpose of accommodations is to ensure, insofar as possible, that LEP students receive accommodations on the SOL assessments which allow them equal opportunity to demonstrate what they know and can do; however, students should not be provided with unnecessary or inappropriate accommodations.** Furthermore, use of an unfamiliar accommodation during testing may have a negative impact on the student's performance. Students must take the test in English; translations of the test into a different language are not permitted.

### **A. Accommodations Which Maintain Standard Conditions (Standard Accommodations)**

Some accommodations allow a student to take the test in a different way without changing what the test is measuring. For the purposes of this document, these are referred to as accommodations which maintain standard conditions or standard accommodations. Examples of standard accommodations are listed below.

### Timing/Scheduling

- time of day
- breaks during test
- multiple test sessions
- order of tests administered

### Setting

- preferential seating (at the front of the room or in a study carrel)
- small group testing
- individual testing
- location with minimal distractions

### Presentation

- reading the test items in English to the student (except on the English: Reading/Literature, and Research test)
- reading the directions in English to the student
- simplifying oral directions
- place markers to maintain place

### Response

- student responds verbally/teacher or proctor marks answer document

### **B. Accommodations Which Are Permissible But Do Not Maintain Standard Conditions (Nonstandard Accommodation)**

Accommodations which significantly change what a test is measuring and do not maintain standard conditions of the test are referred to in this document as nonstandard accommodations. This type of accommodation should be used only if the committee agrees that the student requires such an accommodation(s) in order to participate in the SOL Assessments. Scores resulting from a nonstandard accommodation must be accompanied by an explanation that these scores resulted from a nonstandard administration. Examples of accommodations which are permissible but do not maintain standard conditions include:

### Presentation

- reading test items in English on the English: Reading/Literature, and Research test
- bilingual dictionary

### Response

- dictation in English to a scribe (writing sample component of the writing test only)

If a student utilizes a non-standard accommodation, the record of that score will be accompanied by a notation explaining that the score resulted from a non-standard administration. A student, identified as limited English proficient, who has passed an SOL assessment utilizing any accommodation including a non-standard accommodation has passed for all purposes.

**NOTE:** Questions about whether accommodations not listed are allowable should be directed to the Division Director of Testing who may consult with Department of Education staff as necessary.

## **VII. Exempting LEP Students From the SOL Assessments**

In some cases, the committee may decide that participating in the SOL assessments, even with accommodations, is inappropriate for the LEP student in grades 3, 5, or 8. For example, the student's level of English proficiency may be inadequate to attempt any of the tests even with accommodations.

8 VAC 20-131-30, A states "Limited English proficient students may be exempted from the SOL tests for one grade level only in grades 3, 5, and 8. In order to be granted verified credit, all students must meet the clock hour and testing requirements set forth in these regulations." The committee, therefore, may make such an exemption for LEP students at only one grade level in grades 3, 5, and 8. Such exemptions should be documented in the student's file as to reason and the ramifications of such exemptions shall be clearly stated and conveyed to the student's parent or guardian.

## **VIII. Documentation of Decisions**

Decisions about how the LEP student will participate in the SOL assessments should be documented in writing and filed in the student's scholastic record. A decision to exempt the student from testing must be accompanied by the reasons for the exemption and the ramifications of such exemption. A sample form is provided on page 7 of this document. School divisions may use this form or one of their own choosing.

If the student's parent or legal guardian is not a member of the committee making the decision about the student's participation, the parent or legal guardian should be notified in writing of the committee's decision regarding the student's participation in the SOL assessments prior to test administration. If the student is using the one-time exemption from the SOL assessments, the student's parent or legal guardian must be notified in writing of the ramifications of this decision.

Participation decisions may be one of the following:

- with no accommodations
- with accommodations which maintain standard conditions (listing specific accommodations)
- with accommodations which are permissible but do not maintain standard conditions (listing specific accommodations)
- exemption from testing with an explanation for the exemption and a statement of the ramifications of the decision

# **SAMPLE FORM FOR USE IN DOCUMENTING LEP STUDENTS' PARTICIPATION IN THE SOL ASSESSMENTS**

Student Name: \_\_\_\_\_

Grade: \_\_\_\_\_

School: \_\_\_\_\_

Note below the decisions of the committee convened to determine the appropriate level of participation for the above mentioned student in the \_\_\_\_\_(date) SOL Assessments.

SOL Assessment Area	Participation in the SOL Assessment with NO Accommodation	Participation in the SOL Assessment with Standard Accommodation (Please list)	Participation in the SOL Assessment with Non-Standard Accommodation (Please list)	Exempted from Participation in the SOL Assessment*
English- reading, literature, research				
English- writing (grades 5, 8, and high school)				
Mathematics				
History/Social Science				
Science				
Computer /technology (grades 5 and 8 only)				

\* Students may have a one-time exemption only, in grades 3, 5, and 8.

Committee Members' Signature:

\_\_\_\_\_ Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Date

Parent Informed of Committee Decision (if not a member) \_\_\_\_\_

Date

